

Appl. No. 10/758,862
Amdt. dated February 12, 2008
Reply to Office action of December 5, 2007

**RECEIVED
CENTRAL FAX CENTER**

FEB 12 2008

REMARKS/ARGUMENTS

Please reconsider the application in view of the above amendments and the following remarks. Claims 1 through 20 are in the application. Applicant has amended claims 1, 2, 3, 4, 8, 9, 10, 11 and 12. Applicant has canceled claims 5, 6, 7, 13-18 and 20.

Claim Objections

Claim 20 is objected to because of informalities. Applicant has canceled the claim and has incorporated that limitation into claim 19. Applicant has corrected the informality of claim 20 in the amended claim 19.

Claim Rejection under 35 U.S.C. § 112

Claim 16 is rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. Applicant canceled claim 16 and included the limitation of claim 16 into claim 11. Applicant has amended claim 11 to address the informality of claim 16.

Claim Rejection Under 35 U.S.C. § 102(e)

Claims 1-2, 4-5, 9-10, 12-13 and 19 are rejected under 35 U.S.C. 102(e) as being anticipated by United States Patent Number 6,796,488 to Saffarian. This rejection is respectfully traversed.

Saffarian describes an automated check encoding system at a point-of-sale includes a point-of-sale register for determining a transaction amount, and an input device coupled to the point-of-sale register for receiving the transaction amount and determining a check amount in response to receiving an input from a user. A check encoder is coupled to the point-of-sale register and the input device for receiving the check amount and encoding the check amount in a machine-readable format at a predetermined location on a blank check.

Although embodiments of Applicant's present invention also describes a method and system for automatically preparing payment instrument at a point-of-sale location, Applicant's invention as amended contains features not described in Saffarian.

Appl. No. 10/758,862

Amdt. dated February 12, 2008

Reply to Office action of December 5, 2007

Embodiments of Applicant's invention claims features related to scanning in a blank check document supplied by a payee and retrieving payee information from the blank check document. This payee information is compiled and printed on a new blank check document. In order to sustain a rejection under 35 U.S.C. 102(e), the cited and relied on reference document must describe each element of the rejected claim. Contrary to the examiner's statement that all elements are disclosed in the cited reference, as amended claims 1 and 9 contain the steps and instructions of:

retrieving payee information from the scanned check;

compiling sale transaction information and payee information for inclusion on a new check document;

printing the transaction information and payee information on a newly created check document in defined check fields; and

displaying the newly created check document for review and signature by the payee.

are not described in Saffarian. Therefore, the rejection is unsupported by the art and should be withdrawn

Claim Rejection Under 35 U.S.C. § 103(a)

Claims 3 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,796,488 to Saffarian in view of U.S. Patent 5,583,783 to Yasui. This rejection is respectfully traversed.

Applicant has amended claim 3 to contain the limitations of the amended claim 1. Applicant has amended claim 11 to contain the amended limitations of claim 9. These limitations include the scanning features previously discussed.

Claims 7-8, and 14-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,796,488 to Saffarian in view of US Patent application number 2003/0033252 to Buttridge et al. This rejection is respectfully traversed. The examiner states that Saffarian does not specifically teach retrieving the information from the scanned blank check or the transaction information includes the scanned blank check information. The examiner asserts that Buttridge teaches retrieving the information from

Appl. No. 10/758,862

Amdt. dated February 12, 2008

Reply to Office action of December 5, 2007

the scanned blank and including the scanned blank check information. The examiner further asserts that Buttridge teaches the step of printing the compiled information onto a newly created check.

Buttridge discloses a system in which in one embodiment includes a point-of-sale terminal or cash register, which is connected to a check imager, a MICR (magnetic ink character recognition) reader, biometric sensor, and a printer. The system integrates electronic check processing into retail operations such as items at a grocery checkout and allows customers to pay for goods or services with a blank check and without write out or sign the blank check.

Buttridge does perform scanning functions which retrieves information from the blank check. However, this information is used as part of an electronic transaction. Buttridge does not use the information from the blank check to produce a new check document as part of the sales transaction. With regard to claim 18, the document produced in Buttridge is for customer service purposes. In embodiments of the present invention, the newly created check document is for the purpose of completing the actual transaction (See figure 7 and [0038]. The original blank check document supplied by the payee is destroyed. In Buttridge information of a prior sales transaction, the check used and payee signature image are compiled and included on a document that can be produced to verify a sales transaction. The document as produced already has a payee signature included on the document. This signature is from the previous transaction. In the embodiments of the present invention, the payee has the opportunity to manually or electronically sign the newly created check document. Buttridge does not teach or suggest the creation of the new check document for the purpose of completing a transaction. Both Buttridge describes using the original blank check document to complete the transaction.

In order to sustain a prima facie case of obviousness there must be some suggestion of teaching to modify or combine references. If there is no teaching, there is no prima facia case for obviousness. Applicant submits that the Examiner has failed to present a prima facie case of obviousness. As indicated above, Saffarian does not specifically teach the use of scanner techniques or the creation of a new check document.

Appl. No. 10/758,862

Amdt. dated February 12, 2008

Reply to Office action of December 5, 2007

Buttridge does not teach the creation of a new check document for the purpose of having the payee sign the document in order to complete the original sales transaction. The created document in Buttridge contains images of the original blank check and payee signature. Embodiments of the Applicant's present invention provide a completely new check document independent of the images of the initially submitted blank check document. Applicant further asserts that any combination of the cited references will not produce the embodiments of Applicant's present invention.

For at least these reasons, Applicant submits that the Examiner has failed to establish a prima facie case of obviousness under 35 U.S.C. § 103. Applicant, therefore, respectfully requests withdrawal of the rejection of the claims.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Applicant believes this reply to be fully responsive to all outstanding issues and place this application in condition for allowance. If this belief is incorrect, or other issues arise, do not hesitate to contact the undersigned at the telephone number listed below.

Respectfully Submitted,



Darcell Walker

Reg. No. 34,945

P. O. Box 25048

Houston, Texas 77265

713-772-1255

February 12, 2008